

## KENT COUNTY COUNCIL

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### **REGULATION COMMITTEE MENTAL HEALTH GUARDIANSHIP SUB-COMMITTEE**

MINUTES of a meeting of the Regulation Committee Mental Health Guardianship Sub-Committee held in the Stour Room, Sessions House, County Hall, Maidstone on Tuesday, 26 January 2016.

PRESENT: Mr A H T Bowles (Chairman), Mrs M Elenor, Mrs S Howes, Mr S J G Koowaree and Mr C P Smith

IN ATTENDANCE: Mrs C Fenton (Head of Mental Health) and Mr A Tait (Democratic Services Officer)

#### **UNRESTRICTED ITEMS**

##### **1. Membership**

*(Item 1)*

(1) The Sub-Committee noted that Mr A H T Bowles had replaced Mr M J Harrison as the Chairman of the Sub-Committee by virtue of being the Chairman of the Regulation Committee.

##### **2. Minutes - 28 January 2015 (To Note)**

*(Item 3)*

(1) RESOLVED that the Minutes of the meeting held on 28 January 2015 be noted.

##### **3. The Local Authority's Guardianship Register**

*(Item 4)*

(1) The Head of Mental Health introduced her report by saying that the Sub-Committee (formerly Panel) had been set up in response to amendments to the Mental Health Act 1983 which had been introduced in 2007. Section 23 (2) of the Act enabled a discharge to be made in respect of a patient who was subject to guardianship by the responsible clinician, by the local Social Services Authority or by the nearest relative. In conformity with Section 23 (4) of the Act, this function had been delegated to this Sub-Committee of the Regulation Committee.

(2) The Head of Mental Health went on to say that the 2007 Amendments to the Act had also introduced the requirement for Elected Members to audit the effectiveness of receipt and scrutiny of documents. She moved on to describe the progress of the officer Working Party which had been set up for this purpose. It consisted of three officers from the Social Care, Health and Wellbeing Directorate and two co-opted independent members. The Working Party had met on four occasions over the previous year. It had carried out a great deal of work to introduce robust processes and guidance in order to review and maintain high quality practice as well as accurate recording and reporting of guardianship orders.

(3) The Head of Mental Health then informed the Sub-Committee that following a review, the Working Party was to be renamed “The Guardianship Quality and Scrutiny Panel” ( GQSP) Membership would now be strengthened by the introduction of a *Quality Lead* from the Approved Mental Health Professional Service. The GQSP’s remit would include scrutiny of social circumstances reports and legal documents before they were submitted to KCC, mentoring and training on any identified practice issues. A key role was to provide assurance that the named officers responsible for scrutinising applications for new orders and renewals had done so in a robust and informed manner.

(4) The Head of Mental Health moved on to consideration of the national picture. There had been 212 new Guardianship Orders in 2014/15, representing a decrease of 29% from 2013/14. As at 31 March 2015, 522 people in England had been subject to Guardianship Order. This represented a reduction of 108 (17%) from the same date in 2014. The number of Guardianship Orders had declined for the 10<sup>th</sup> year in a row. This was probably to be explained in part by the availability of other mental health legislation such as the Mental Capacity Act. The number of Orders coming to an end during 2014-2015 had also reduced slightly (4%) from the previous year, making this the fifth consecutive year where this had happened. The duration of the Guardianship orders which came to an end during 2014-2015 had ranged from less than 3 months to over 10 years. The median duration of a Guardianship order in England was 12 months

(5) During the past 12 months the working party had reviewed and revised the Guardianship Policy in a number of areas including guidance relating to transfers from Guardianship to Section 3 status (i.e. compulsory detention in hospital for treatment); the procedure to follow should a person subject to Guardianship go absent without leave; the transfer of a person from one local social service authority to another; and the process for appeals to the Mental Health Review Tribunal.

(6) The Head of Mental Health concluded her presentation by saying that robust processes were in place for the acceptance and renewal of guardianship orders, ensuring that consideration was given to the least restrictive options available. Since the last annual report to the Panel, there had been no need for Members to be asked to adjudicate a disputed case, nor to discharge an order in accordance with their powers under section 23 (4) of the Mental Health Act 1983 (amended 2007).

(7) The Head of Mental Health replied to a question from Mr Bowles by saying that the apparent disparity in the Kent total (7) following discharges (3) new Orders (2) and renewals (7) had arisen because someone whose Guardianship Order had been renewed might also have been discharged at a later stage during the year.

(8) The Head of Mental Health also confirmed that after a Guardianship Order was discharged, the individual would continue to receive care and support for their health and social care needs from a multi-disciplinary team of mental health professionals.

(9) RESOLVED that the content of the report be noted together with the list of closed cases since January 2015 (set out in Appendix 1), the current guardianship register (Appendix 2) and the activity during 2015 (Appendix 3).

